

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

FRANK K. BERRY,

Petitioner,

No. CIV S-05-0899 FCD PAN P

vs.

STUART J. RYAN, et al.,

Respondents.

ORDER

Petitioner is a state prisoner proceeding pro se with an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On November 28, 2005, petitioner filed a document styled "Request to Forestall Any Further Modification of Briefing Schedule as to Trial Counsel Wendell Peters Also Request for Discovery." The court construes that document as, in part, a motion for leave to conduct discovery pursuant to Rule 6 of the Rules Governing Section 2254 in the United States District Courts. See also Request for Discovery, filed March 1, 2006. Good cause appearing, respondents will be directed to file a response to the motion.

On March 1, 2006, petitioner filed a request for imposition of sanctions on counsel for respondent. The request is without merit and will be denied.

In accordance with the above, IT IS HEREBY ORDERED that:

1. Petitioner's November 28, 2005 and March 1, 2006 requests for discovery are

1 construed as a motion for leave to conduct discovery;

2                   2. Within twenty-one days from the date of this order respondents shall file and  
3 serve a response to petitioner's motion for leave to conduct discovery;

4                   3. Petitioner's reply, if any, shall be filed and served not later than seven days  
5 thereafter; and

6                   4. Petitioner's March 1, 2006 request for sanctions is denied.

7 DATED: March 16, 2006.

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10 UNITED STATES MAGISTRATE JUDGE  
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